

EXHIBIT “HH”

Kent Tribble Deposition Transcript

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 - - -
4 NEFTALI MONTERROSA, et al., : CIVIL ACTION
5 Plaintiffs :
6 v. :
7 CITY OF VALLEJO, et al., : NO.
8 Defendants : 2:20-CV-01563

9 - - -
November 8, 2023

10 Oral deposition of KENT TRIBBLE, 555
11 Santa Clara Street, Vallejo, California, taken
12 remotely via Zoom, beginning at
13 10:10am PST/1:10pm EST, and reported
14 stenographically by Denise A. Ryan, a
15 Professional Shorthand Reporter and Notary
16 Public.

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22
23 VERITEXT LEGAL SOLUTIONS
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A P P E A R A N C E S:

(All Appearances via Zoom)

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- - -
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1 THE COURT REPORTER: The
2 attorneys participating in this
3 deposition acknowledge that I am not
4 physically present in the deposition
5 room, and that I will be reporting this
6 deposition remotely.

7 They further acknowledge that,
8 in lieu of an oath administered in
9 person, I will administer the oath
10 remotely.

11 The parties and their counsel
12 further agree that the witness may be
13 in a state where I am not a Notary and
14 stipulate to the witness being sworn in
15 by an out-of-state Notary.

16 If any party does have an
17 objection to this manner of reporting,
18 please state so now.

19 (No response.)

20 THE COURT REPORTER: Hearing
21 none, we can proceed.

22 - - -

23 KENT TRIBBLE, after having been
24 first duly sworn/affirmed remotely by

1 Denise A. Ryan, Notary Public, and
2 pursuant to agreement of counsel, was
3 examined and testified as follows:

4 - - -

5 EXAMINATION

6 - - -

7 BY MS. LORENTSON:

8 Q. Hi, Mr. Tribble, my name is
9 Amanda Lorentson, I am an attorney at McEldrew
10 Purtell, and I'm representing the Estate of
11 Sean Monterrosa.

12 I am going to be asking you some
13 questions today about your time working at
14 Vallejo Police Department primarily, but my
15 first question is, have you ever had your
16 deposition taken before?

17 A. Well, good morning, Ms.
18 Lorentson, and the answer to that would be yes.

19 Q. And how many times and what was
20 the context?

21 A. I don't recall the number of
22 times exactly, but at least a couple of times
23 regarding an officer-involved shooting where I
24 think the suspect's name was McCoy. I had a

1 federal one way back in early 2000s regarding a
2 long-term federal investigation of Alpha
3 Chemical in Concord.

4 There were probably a couple in
5 Concord. There was one where there was a large
6 lawsuit regarding Concord PD's sexual
7 discrimination internally I had to go to a
8 couple of times. Maybe a couple of force ones
9 that I've been involved in, officer-involved
10 shootings.

11 So I couldn't give you the exact
12 number, but it's been several.

13 Q. So, you know, the rules are,
14 you're familiar with them obviously but just,
15 you know, because I do repeat them every time,
16 you know, I'm not asking you to guess. If you
17 don't know something, that's fine to tell me
18 you don't know.

19 You're doing a great job so far,
20 but every time I ask you a question, you just
21 need to give me a verbal response. You can of
22 course shake your head or nod your head, but I
23 do need you to say yes or no to my questions.

24 If at any point you need a

1 break, please, you know, feel free to ask for
2 one. However, I would ask that if there is a
3 question pending, you answer the question
4 before you take a break. Is that okay?

5 A. Oh, absolutely.

6 Q. Okay. And, yeah, I'm just going
7 to ask you some questions and to the best of
8 your knowledge please let me know what you do
9 or do not remember.

10 In preparation for today, what,
11 if anything, did you review materialwise?

12 A. I reviewed briefly testimony I
13 gave in Judge Healy's court regarding -- I
14 don't remember the name of the suspect, but
15 that was an officer-involved shooting. I think
16 I gave that testimony about a year and a half
17 ago. I'm not entirely sure on that.

18 I reviewed a couple of
19 interviews I did or depositions I did with a
20 Mr. Buena regarding a separate shooting. I
21 think the suspect's name in that was McCoy.
22 And I reviewed a Use of Force Review Board,
23 Critical Incident Review Board report that I
24 had authored back in '15, I think, 2015.

1 Q. And who was the subject of that
2 Critical Incident Report?

3 A. The officers, I can remember the
4 name of the officers.

5 Q. Yeah.

6 A. That would be Officers Jarrett
7 Tonn, T-O-N-N, I believe, and Gary Jones. I
8 don't remember the name of the suspect in that.

9 Q. And that was a Critical Incident
10 Use of Force Report that you authored, not one
11 that you were the subject of?

12 A. No; it was one that I was part
13 of the Review Board, the panel of experts that
14 look at the incident.

15 Q. You no longer work for the City
16 of Vallejo in any capacity, correct?

17 A. That is correct.

18 Q. Do you have any contract
19 provision with the City of Vallejo that
20 compensates you for your time today?

21 A. No, but I would like to if you
22 know how I can pull that off.

23 Q. Some people do, so you might
24 want to ask.

1 A. (Witness laughs.)

2 Q. Okay. And you separated from
3 the City of Vallejo at what point?

4 A. I retired on my birthday when I
5 turned 50, which is when you reach retirement
6 age.

7 Q. And what year was that?

8 A. That was '21, and I think -- so
9 my birthday was the 26th of February. I was on
10 an operating table. I think my official
11 retirement date for tax and pension purposes is
12 the 27th, but my last day on the Vallejo books,
13 so to say, was my birthday when I turned 50.

14 Q. Okay. Are you currently working
15 for any other Police Department or are you
16 currently employed in any way?

17 A. No, ma'am.

18 Q. Well, I am jealous. It sounds
19 nice.

20 A. Yes, it does.

21 Q. So I do have some questions for
22 you, but I guess I just wanted to start off
23 with a report. I'm going to apologize, I might
24 ask you questions that are a little bit silly,

1 but, you know, I'm just trying to wrap my head
2 around this case. Do you remember having an
3 interview with Giordano Consulting
4 Investigations regarding badge bending?

5 A. Yes, ma'am, I do.

6 Q. And what were you told the
7 purpose of your interview was?

8 A. It was to gather information on
9 the origins of bending badges and I think to
10 probably gather as much information about
11 people involved in that event.

12 Q. Were you ever given a copy of
13 the investigation findings or anything?

14 A. No, I was not.

15 Q. Do you know of anybody that you
16 work with was?

17 A. I do not.

18 Q. Did you ever learn or find out
19 any of the conclusions that were made as a
20 result of the investigation?

21 A. I have not.

22 Q. So if, for example, you were
23 determined to be at fault or had violated
24 policy and your peers were not found to have

1 violated policy, that's not something that
2 anyone would have informed you about?

3 A. No.

4 Q. Okay. How many interviews did
5 you have with Giordano?

6 A. I believe just one.

7 Q. Were you ever asked to clarify
8 any inconsistencies or any questions regarding
9 your interview?

10 A. Not that I recall.

11 Q. If you had been asked to clarify
12 any inconsistencies or questions regarding your
13 interview, would you have complied with a
14 second interview?

15 A. I'd have to have conferred with
16 my legal representative at the time, because
17 there is an issue regarding -- so an Internal
18 Affairs investigation requires full and
19 complete cooperation or it's deemed
20 insubordination.

21 To attain that they have to give
22 you a Lybarger admonition, which means you're
23 still invoking your right to remain silent so
24 that you're protected against being forced to

1 make statements that could be held against you
2 criminally, but you still have to make those
3 statements administratively or you can be
4 terminated for insubordination.

5 So post separation, retirement,
6 I don't know that I would be protected by a
7 Lybarger admonition and so I don't know that --
8 I don't know whether or not I would have agreed
9 to be compelled to give a statement because I
10 wouldn't be protected by Lybarger. So I'd have
11 to talk to an attorney.

12 I personally have no problem
13 cooperating with whatever the investigation
14 is --

15 Q. Right.

16 A. -- but I would still refer to an
17 attorney before I made that decision.

18 Q. Of course.

19 And when was your interview in
20 relation to your retirement?

21 A. It was the day before I went
22 into surgery, so it would have been February
23 25th, one day before my last day on the books.

24 So, I mean, I guess

1 theoretically I could have probably not given
2 the statement and walked away --

3 Q. Right.

4 A. -- but I chose to cooperate.

5 Q. Of course. Did you ever talk to
6 anyone else that participated in the
7 investigation about the investigation, not an
8 attorney but any other -- any of your peers?

9 A. Yeah, no, just my attorney and
10 the city attorneys.

11 Q. Of course. And by "my
12 attorney," do you mean a -- was Mike Rains your
13 attorney or was it outside counsel you had
14 retained?

15 A. It was Harry Stern, who is a
16 part of Rains, Lucia & Stern I believe is the
17 name of their firm. So Rains is also in
18 that -- I guess that firm.

19 Q. Okay.

20 A. But my attorney was Harry Stern.

21 Q. Okay. So I just want to kind of
22 jump right into it. I can get into like, you
23 know, other specifics later, but in your
24 statement and, you know, in your participation

1 in the investigation, do you believe that you
2 were truthful in what you alleged to have
3 happened at the Vallejo Police Department and
4 at Concord PD?

5 A. Yes, ma'am, to the best of my
6 ability.

7 Q. And if there were any
8 allegations by other officers who were a part
9 of the investigation who were still actively
10 employed by Vallejo at the time who made
11 comments or caused the investigators to believe
12 that you were lying or fabricating, would you
13 have wanted an opportunity to address those
14 allegations?

15 MS. KNIGHT: Objection, vague,
16 ambiguous, incomplete hypothetical, but
17 you can --

18 MS. LORENTSON: Okay. I can go
19 back. I can make it less vague and
20 ambiguous.

21 BY MS. LORENTSON:

22 Q. After you gave your interview,
23 if there were people who were the subject of
24 the conversation you had, so if you said John

1 Smith bent someone's badge and John Smith said,
2 "Nope, I never bent anyone's badge, he is
3 lying," would you have wanted an opportunity to
4 respond to that or have a second interview if
5 your peers were given second interviews?

6 MS. KNIGHT: The same
7 objections.

8 BY MS. LORENTSON:

9 Q. That's okay. You can answer.

10 A. Yeah, sure, I'd want to get to
11 the bottom of what the misunderstanding is.

12 Q. Right. Okay. So I was hoping
13 to clarify that today because, you know, I have
14 gone through your interview and then some of
15 the responses by your colleagues who were given
16 the chance to address what you had said, but I
17 see that you were not given the same
18 opportunity to rebut or agree or confer.

19 So let's just like start at the
20 top, can you tell me the first time that you
21 heard about badge bending at any Police
22 Department?

23 A. Sure. That would have been
24 sometime in I believe the Year 2000, after May,

1 that I had the discussion with then Officer
2 Daniel Golinveaux, that's spelled
3 G-O-L-I-N-V-E-A-U-X. And the only reason I
4 give that is in all the stuff that I've read
5 it's usually misspelled.

6 Q. Thank you.

7 A. I had a conversation with him at
8 a place called The Pepper Mill in Concord, I
9 guess you would call it North Concord, some
10 time that year, probably several months after
11 May.

12 Q. And what was the nature of that
13 conversation? What was said?

14 A. That I believe was the inception
15 or origin of the act of bending a badge.

16 Q. Okay. Well, tell me what
17 happened. Like what happened at The Pepper
18 Mill?

19 A. At The Pepper Mill I had a --
20 well, it was not infrequent that Golinveaux and
21 I would eat at The Pepper Mill and I think we
22 were both off duty and at that time we had a
23 beer with whatever we were eating, and we were
24 discussing my involvement in an

1 officer-involved shooting in Concord in May, I
2 don't remember, I think it was 18th of the Year
3 2000, and we were discussing that, because
4 Officer Golinveaux had been involved in a
5 similar incident earlier, I don't know how many
6 years, but prior to that.

7 Q. Can I clarify? By "similar
8 incident," what do you mean by "similar
9 incident"?

10 A. An officer-involved shooting.

11 Q. Okay.

12 A. Pardon me.

13 Q. And, you know, you had been in
14 an officer-involved shooting. Had somebody
15 died in that shooting?

16 A. My officer-involved shooting in
17 May?

18 Q. Uh-huh.

19 A. Nobody died.

20 Q. Okay. By "officer-involved
21 shooting" do you mean just a discharge of a
22 weapon or someone is shot in the middle of some
23 altercation with the police?

24 A. Well, I guess you could call an

1 officer-involved shooting something other than
2 an engagement with an armed adversary, but when
3 I say that it's regarding engagement with an
4 armed adversary.

5 Q. Okay. And then a discharge of
6 weapons and either the subject -- is the
7 subject of -- well, let me say that again, does
8 an officer-involved shooting always involve the
9 discharge of an officer's rifle?

10 A. Oh, no. We have several
11 different firearms available to us, depending
12 on the circumstance for --

13 Q. Probably my misunderstanding of
14 guns. So does an officer-involved shooting
15 involve a discharge of a weapon always?

16 A. Yeah, a firearm --

17 Q. Okay. Okay.

18 A. -- specifically, yes.

19 Q. Thank you. And could an
20 officer-involved shooting be a shooting in
21 which an officer fires at someone and it does
22 not hit the suspect or, you know, the criminal
23 perpetrator at all?

24 A. Yes, ma'am.

1 Q. Okay. So you're involved in an
2 officer-involved shooting and then what
3 happens? Like the same incident, you're at The
4 Pepper Mill, what happens with your badge?

5 A. So at some point in that
6 conversation we basically chose to acknowledge
7 each other's basically journey or -- I don't
8 know how to say, our involvement or experience
9 through that event, and it's a very traumatic
10 event, and it's one that frequently the only
11 people that can relate to you are other folks
12 that have been through similar events, so it
13 was a form of recognizing each other for doing
14 basically the best we could in such a traumatic
15 event.

16 Q. Was your badge bent?

17 A. It was not bent prior to that.
18 I think we bent each other's badges.

19 Q. Okay. There is a notation from
20 your interview that says that you and your
21 colleague had agreed that if you were going to
22 bend badges in the future, it had to be kept
23 entirely secret. What does that mean?

24 A. Well, it was simply a precaution

1 that -- this was something we were doing kind
2 of supporting each other but we also know
3 that -- and this, what we're doing right here,
4 is a perfect example of it, we knew that this
5 is not something we wanted to be happening I
6 guess for lack of a better term willy-nilly,
7 that it's not something that should ever be
8 talked about because, much like it has been,
9 once it became common knowledge there would be
10 many negative misconceptions about it. So we
11 wanted to be very guarded with whom we would
12 share that information.

13 Q. Whose idea was it for it to be
14 kept secret, you or -- gosh, and I'm going to
15 mispronounce his name -- Golinveaux?

16 A. You can call him Dan.

17 Q. All right. You or Dan, whose
18 idea was it to keep it a secret?

19 A. Dan works.

20 Q. Okay.

21 A. I don't know. I think it was a
22 mutual agreement.

23 Q. Okay.

24 A. Because we -- it's not like one

1 of us came to the other with this, this idea,
2 hey. I think we were discussing the events and
3 it was borne out of that by both of us.

4 Q. Considering that 2000 was, you
5 know, a very different time than 2020, you
6 know, the whole I guess, you know, the cultural
7 shift, what-have-you, why in 2000 did you have
8 that concern? Had there been other things that
9 had been misinterpreted by the press or the
10 public that were traditions or just, you know,
11 practices similar to badge bending?

12 A. Well, I can't speak from
13 personal knowledge. I mean, I remember -- I'm
14 old enough to remember the Rodney King incident
15 and the giant shift in public trust of the
16 police back then and, you know, maybe some of
17 it was well placed or guided, but I think based
18 on my experience a lot of it was misdirected as
19 well, and as officers, even coming up through
20 the academy, you learn to try to do as little
21 or as much as possible to avoid creating
22 avenues of misconception that can be used in
23 arguments against the police's, you know,
24 conduct or culture.

1 So even at that time, prior to
2 all this stuff that's gone on since basically
3 around 2012 to 2020, there have been shifts in
4 what I perceive as the public's perception of
5 the police.

6 Q. Is there anything similar to
7 badge bending that you're aware of, like
8 another -- that I could kind of -- I'm very
9 familiar with badge bending as a concept,
10 right, so this case is the first time I've
11 heard of it, but is there something else that
12 is like a tradition that's analogous to this in
13 the Police Department?

14 MS. KNIGHT: Objection, vague,
15 ambiguous. Which police department?
16 BY MS. LORENTSON:

17 Q. At any police department you've
18 been in. And if it's vague, I can rephrase,
19 but if you can answer, please do.

20 A. I am not aware of any other
21 event or act that's similar to this.

22 Q. How did the idea of badge --
23 like bending the tip of the badge, like what
24 was the significance about bending the badge as

1 opposed to like inscribing something in it or
2 like, I don't know --

3 A. Well, with all due respect,
4 you're asking me to remember a conversation
5 that occurred over a couple of beers over 23
6 years ago now.

7 Q. Sure.

8 A. The best I can recall is that,
9 you know, in that conversation I was -- I think
10 the best way to describe it is I was reaching
11 out to Officer Golinveaux about some negative
12 feelings I had about myself and my own
13 performance in that event that I was involved,
14 and in discussing and working out the issues
15 that I had with my own performance we spoke
16 about his event and then the performance of
17 different officers in that event, and that some
18 performed very well and others, for lack of a
19 better term, failed to come up to an
20 expectation that we would want from most
21 officers, yet in his event all the officers
22 that were even present were recognized with I
23 believe a Distinguished Service Medal, and we,
24 neither one of us, thought that that was

1 appropriate to recognize officers that failed
2 basically in our opinion to do the job that
3 they are required to do or expected to do while
4 others did at great sacrifice to themselves or
5 great risk to themselves.

6 So I think the whole idea about
7 the badge was that much like a medal or a
8 ribbon, the military actually has something
9 called the Combat Action Ribbon that's for
10 combat-involved personnel, the badge is worn on
11 your uniform like a ribbon or a medal would be
12 if you were in a dress uniform or even in the
13 field with a field ribbon. But the bend is so
14 imperceptible that in the idea of being guarded
15 about who would know or see, if you were really
16 looking for it, the way we did it, you might be
17 able to see, but if you didn't have any idea of
18 that, you wouldn't see it. So to us it
19 wouldn't have made a difference to anyone else,
20 except for people that have received that.

21 Does that make sense to you?

22 Q. It does. Kind of like a badge
23 of honor or something.

24 A. I don't know that I would call

1 it a badge of honor. I would call it a
2 badge -- a way of denoting that you did your
3 job at the risk of all that comes with being in
4 that engagement and all the things that follow,
5 using this interview as an example.

6 Q. So to go back to the incidence
7 when you and Dan are both sharing experiences,
8 when some of your peers were awarded with
9 medals and like they -- you know, I'm not
10 familiar with the incidents, but like just
11 accepting the fact that they had, you know,
12 failed to do what their expectation were, you
13 know, put themselves in harm's way like you and
14 your peer had done, does that mean that they,
15 you know, just didn't -- that they were like in
16 hiding or that they were not like actively
17 involved or they let you guys take the heat for
18 what happened? What does that mean?

19 A. Well, it could mean all of
20 those, but in this particular incident with
21 Officer -- then Officer Golinveaux, I think he
22 retired a corporal, one of the officers that
23 was awarded the Distinguished Service Medal
24 actually fled from the engagement and was

1 located later, much later, hiding in a bush
2 several blocks away from the engagement, and
3 that officer was awarded a Distinguished
4 Service Medal, and to us that was frustrating.

5 Q. Did the people that awarded him
6 a medal, did they know that he had fled and hid
7 in a bush?

8 A. I can't speak with direct
9 knowledge of that, but everybody in the Police
10 Department did because it was something that
11 got out rather quickly, and that person was
12 found in I believe kind of a grid search,
13 because I don't think their radio was even with
14 them or on. But this is me speaking --

15 Q. Of course.

16 A. -- not from direct, direct
17 knowledge --

18 Q. That's okay.

19 A. -- and I want to be very clear
20 about that because I --

21 Q. Sure. I'm just trying to get
22 your understanding. So when you perceived that
23 this person who fled got a medal and then why
24 do you think that you weren't recognized for

1 your active involvement in this incident?

2 A. I never said that I was not
3 recognized for --

4 Q. Oh, okay. I'm sorry. Were you
5 recognized?

6 A. I don't know if it was prior to
7 the bending of my badge or after, but, yes, I
8 received what was called a Distinguished
9 Service Medal.

10 Q. So if I'm understanding, the
11 Distinguished Service Medals in that instance
12 were just given to everyone that was a part of
13 it, regardless if they did anything or not?

14 MS. KNIGHT: Objection,
15 misstates testimony.

16 MS. LORENTSON: Well, I'm trying
17 to -- that's what I said, I'm trying to
18 understand.

19 THE WITNESS: Yes, ma'am, I
20 can't speak to that medal's history.

21 BY MS. LORENTSON:

22 Q. Sure.

23 A. I can speak to my knowledge of
24 it with Officer Golinveaux's event and mine.

1 Q. That's exactly what I'm asking.

2 A. Okay. In mine, everybody I am
3 aware of that was involved in the engagement
4 was awarded the Distinguished Service Medal. I
5 had no problem with that because everybody
6 involved in my engagement did remarkably well
7 for people in our capacity. It was an honor to
8 be able to serve with people like that. I had
9 no problem with, with them being, you know,
10 recipients of that medal.

11 I don't know at the time that
12 Golinveaux and I met that I had been recognized
13 that way and I don't know that that was a
14 concern. The main concern was that I had
15 really significant performance-related
16 questions about myself.

17 Q. Uh-huh.

18 A. And then through discussing that
19 with then Officer Golinveaux, we arrived at a
20 way to basically show appreciation for each
21 other being willing to endure and commit
22 ourselves to the type of circumstances those
23 are.

24 Q. That is helpful context. Thank

1 you.

2 When you would offer to bend
3 somebody's badge, when you would bend someone's
4 badge, in your interview you discussed that you
5 would want to make sure it was another person
6 who would not be offended by it. Can you
7 explain that statement for me?

8 A. Absolutely. I would imagine,
9 much like any other workplace, there are
10 several different types of personalities. We
11 had in both places that I worked, there are
12 people, oftentimes former military, that have
13 this commitment to the appearance of their
14 uniform that's above and beyond what is the
15 norm. I mean, we've got people that will shine
16 their boots to a mirror reflection daily. I
17 was one of those guys when I was new. As I got
18 older, that subsided.

19 In Concord there was a practice,
20 I don't know what it was born from, but similar
21 to the shining of the boots, we would shine our
22 badges, which were then metal badges of gold or
23 brass, a yellow metal color, and those of us
24 that shined them daily with a rag and Brasso or

1 whatever kind of polish paste, over the years
2 the badges actually took a different appearance
3 because they slowly abraded down and some of
4 the paint would come off of the seal in the
5 middle and they would actually turn really,
6 really, really like mirror shiny metal. When
7 they originally started, they were heavily
8 engraved. That was just a practice.

9 I remember once in Concord I was
10 ordered to get a new badge because my
11 supervisor errantly assumed that I had taken a
12 buffing wheel to it, when that wasn't the case.
13 I simply had polished it every day, and, you
14 know, so the badge -- there are people that
15 would take offense to that, like the supervisor
16 that ordered me to get a new badge, and then
17 there are people that took pride in the way
18 they cared for their gear in a different way,
19 if that makes sense to you.

20 So there are those that would
21 perceive the bending of the badge as some form
22 of disrespect or dishonorable treatment of the
23 uniform and then there are those that would
24 take pride in the personal -- the personal

1 effort they put into their gear, if that makes
2 sense to you.

3 Q. Of course. Was the motivation
4 to keep this, you know, kind of something that
5 was not widely shared also because there was a
6 concern that if someone knew about this
7 practice, that it might motivate them to shoot
8 to get their badge bent?

9 A. Well, I -- yes, that's a thing
10 that -- you know, it's not like we ever make a
11 decision, even at that young age, where we
12 don't consider the possibilities of outcomes as
13 a result of a decision. That would have been
14 one of the considerations.

15 But far more -- far more likely
16 than I believe any officer would conduct an act
17 that significant for something as insignificant
18 as a mark or a bend on a badge, I don't believe
19 that would occur. I've been in the events and
20 that -- that's not something that runs through
21 your mind when you're in an event like that.

22 However, the public's perception
23 of such an act could be negatively twisted and
24 used against officers. I think that was more

1 the concern.

2 Q. Did you ever have to correct a
3 police officer who may have acted in a way in
4 order to get his badge bent or to seek his
5 badge bent in a way that you thought was
6 inappropriate?

7 A. I -- I am not aware of any
8 officer that had ever done anything seeking a
9 bent badge.

10 Q. Okay. Can you tell me, like
11 this initial badge bending occurs and then were
12 there any other times that you bent someone's
13 badge while at Concord PD?

14 A. Yes, a couple, maybe several,
15 like two or three. The one that I remember
16 specifically was my brothers's.

17 Q. Todd?

18 A. Yes, ma'am.

19 Q. Okay. And what happened with
20 Todd?

21 A. Todd, the best of my estimate,
22 sometime about a year, between a year and two
23 years after my engagement in Concord, he was
24 involved in an officer-involved shooting, and

1 it was regarding that event that I bent his
2 badge.

3 Q. And the other individual, like
4 do you know, just generally, what had happened
5 with the other bent badge at Concord?

6 A. If I -- and I do believe I bent
7 a couple more, I don't know exactly who,
8 because there were several shootings at Concord
9 as well. But it would be the same
10 circumstance, it would be post the event,
11 sometime in an environment where there weren't
12 too many other people, and then I would bend
13 their badge.

14 And to be clear, you had
15 mentioned, and I'm not trying to be nitpicky,
16 but you had mentioned offering to bend a badge
17 in something that you said, I never once
18 offered to bend a badge for anybody. This was
19 an act where errantly and regrettably I would
20 ask to see a badge and then bend it without
21 their consent and then explain what I had did
22 when I handed -- what I had done when I handed
23 it back to them.

24 So nobody voluntarily or

1 willfully gave me a badge to be bent. I just
2 want to be clear about that.

3 Q. When did your -- if you could
4 pinpoint the time, when did your perception on
5 that shift? So I would assume that there was a
6 period of time where you felt like this was --
7 you know, there was nothing wrong with it, you
8 were doing it because it was supporting a
9 fellow officer, but then a shift occurred when
10 you, you know, you just said right now
11 "errantly and regrettably." When did you have
12 that change in the way you perceived it?

13 A. Well, there was -- there was two
14 different times where I backed off. I mean, I
15 want to put this in perspective too for you
16 guys, this is not like what we thought about
17 every day when we went to work. This was --
18 this was never Item Number One on the list of
19 priorities going to work as a police officer
20 anywhere that I've ever worked.

21 This is an unfortunate thing
22 that happened that got blown up into this big
23 thing, and it's my fault. I take full
24 responsibility.

1 But my perspective shifted like,
2 I don't know, 20 -- I say 20. Let me say 2000,
3 late 2000s, I was put into a unit voluntarily
4 called the Crime Suppression Unit and that
5 unit's assignment was primarily handling high
6 risk operations at the street level and
7 conducting narcotics investigations and search
8 warrants and, you know, as their enforcement
9 wing and apprehending, doing the enforcement
10 work for the investigation sections, which was
11 really so limited that all it handled were what
12 we call Part 1 felonies, violent crimes
13 involving rape, murder and/or robbery.

14 So that unit was highly active
15 in armed -- what we would call not necessarily
16 shootings but armed takedowns, right, high
17 threat takedowns of armed individuals, and in
18 some of those events there had been
19 officer-involved shootings and it became
20 something that, you know, when I was newer, it
21 was a -- it seemed to be a less likely event,
22 but as I got older, it just -- I guess you
23 would call it, it just became something that I
24 didn't think was a big deal that people were

1 having problems with and I just kind of didn't
2 do it for a while as an officer in that unit.

3 And then in 2013 when I became a
4 supervisor and I rotated back to the patrol
5 level, I'm not -- I'm not trying to make it
6 sound like patrol officers are lesser than the
7 officers that were in the Crime Suppression
8 Unit, but they had a different assignment, and
9 so what seemed to be commonplace everyday
10 occurrence, getting out of cars, taking down
11 armed suspects, you know, sometimes having to
12 be involved in officer-involved shootings,
13 whether it was here or with outside agencies at
14 the local, state and federal level.

15 That was a pretty common thing
16 for us in the Crime Suppression Unit. Not
17 necessarily the shooting part, but the armed
18 conflict part. In patrol it's a lot less.

19 So when I rotated back to patrol
20 as a supervisor, I had some guys and ladies I
21 think that had been involved in officer-
22 involved shootings and some of them I saw
23 having the same internal struggles that I did,
24 whether it was with their performance or how

1 the public was perceiving the event or the
2 consequences or ramifications of the aftermath
3 of such an event, I saw officers that reminded
4 me of me back in 2000, and so I did the same
5 thing for them that Golinveaux and I came up
6 with, that in retrospect much misguided effort
7 to help them get through the event, as a show
8 of support.

9 And I say "misguided" because,
10 using this interview as an example and all the
11 others, not looking at the big picture of the
12 negative effects that I exposed them to by
13 doing this for them. I was looking
14 shortsightedly at helping another officer out,
15 letting them know somebody had been through it
16 and understands.

17 And then I backed off it
18 again -- I know this is getting long-winded.
19 I'm sorry.

20 Q. That's okay.

21 A. I think I'm losing you.

22 Q. You're not. I would talk twice
23 as long if I was the witness. So you're brief
24 in my opinion.

1 A. Okay. Thank you.

2 Q. Yeah.

3 A. I backed off again in about 2016
4 because Captain Horton had come into the
5 office, my watch commander's office, I was a
6 relatively new watch commander, and reading
7 through all of the statements, you know, I may
8 have been a sergeant acting as watch commander
9 before the actual promotion occurred because
10 there is usually a little lag, sergeants on
11 graveyards have to work watch commander duties
12 quite frequently, but, regardless, Horton had
13 come into the office at some point and he
14 mentioned noticing something wrong with my
15 badge and he never wanted to see it again, and
16 I know that the badge I was wearing at that
17 time had not been bent, so I said, "I don't
18 know what you're talking about," and then he
19 just stormed out of my office.

20 But he wasn't mad, it was
21 just -- it felt like he was trying to get a
22 point across without discussing it, and I left
23 it alone but I kind of paid attention to the
24 fact that, okay, maybe someone has talked about

1 this thing. And so I didn't really have much
2 more involvement with it then.

3 But then I got even more
4 concerned about it because about 20 -- I think
5 maybe one or two other guys I had done that for
6 post that interaction, but in 2018 or so I ran
7 into Captain Horton in the administrative side
8 of the building, which is the south end of what
9 used to be the Police Department, I don't know
10 if it still is, but, and Captain Horton was a
11 little more disturbed and confrontational and
12 he ordered me into his office, told me he
13 didn't want to hear any, pardon my language,
14 but B.S., and that he knew -- it was something
15 to the effect of he knew about badge bending,
16 what it meant, and he didn't want to ever see
17 it again or heads would roll, he wanted me to
18 fix it. That was basically the gist of what I
19 got, and it was kind of one of those
20 shut-up-and-listen type meetings, so. It was
21 brief, but that was it.

22 I -- I didn't think that he
23 really knew what he was talking about based on
24 his level of anger, because my perception was

1 he believed it was about killing people and I
2 offered to clarify it with both him and the
3 chief because I didn't -- that was not correct,
4 and the source of the whole thing was me, so
5 the only person that actually knew all the
6 information I believed at the time was me. So
7 I wanted to go in and clear it up since there
8 seemed to be a misunderstanding, but I was told
9 not to. I was told to fix it or heads would
10 roll was I think was a quote.

11 Q. As you sit here today, do you
12 know why Horton was so upset by it? Were you
13 given the opportunity to explain to him what it
14 meant?

15 A. I tried to give him a brief
16 explanation but he kind of cut me off and said
17 he didn't want to hear any bullshit. And I
18 don't know exactly what it was that triggered
19 him. I had had the perception that perhaps he
20 had seen some on the street.

21 If he had mentioned it in 2016
22 and then came back at 2018, but this, again,
23 this is -- what do you call it, speculation?

24 MS. KNIGHT: Yeah, speculation.

1 Yeah, don't speculate. Just what you
2 know.

3 THE WITNESS: I don't know.

4 BY MS. LORENTSON:

5 Q. And just -- the badge bending is
6 always associated I think like the -- sorry;
7 I'm losing my space.

8 "The badge bending directly
9 relates to pulling the trigger in a shooting
10 and it was only given to people that pulled the
11 trigger in recognition for them not running
12 from the fight," is that an accurate statement
13 from your interview with Giordano?

14 A. I believe it was, but it's also
15 not -- I mean, I think already with you I've
16 been able to give a broader explanation. But,
17 yes, that statement is accurate but it's not
18 entire, if that makes sense. It's not an
19 entire explanation.

20 Q. So the first time you bent a
21 badge in Vallejo was in March of 2003. Who
22 were the officers that were involved in that,
23 if you remember?

24 A. Well, all due respect, ma'am, I

1 think that's incorrect.

2 Q. Oh, okay. I'm sorry.

3 A. I think because I was hired or
4 came on to the job with Vallejo in March of
5 2003.

6 Q. Okay.

7 A. So that date is not correct. I
8 believe the correct date would be sometime
9 after August of 2003.

10 Q. And that incident involved Joe
11 McCarthy and Eric Jensen?

12 A. Yes, ma'am.

13 Q. Okay. And did you bend their
14 badges privately or publicly? Like where did
15 that occur?

16 A. Well, I don't recall ever
17 bending Joe McCarthy's badge.

18 Q. Okay.

19 A. And if I recall correctly, he
20 never fired a weapon of a firearm type in that
21 engagement. Officer Jensen, on the other hand,
22 did. So when I respond to your question, I'm
23 specifically speaking about Officer Jensen.

24 Q. Sure.

1 A. I don't recall exactly where
2 that occurred. It likely occurred at one of
3 two places, one would be the Relay Club, which
4 was the bar across the street from our parking
5 lot, or it may have occurred at what was called
6 the PAL office, Police Activities League
7 office, I can't remember what street it's on,
8 but it was where the association -- pardon
9 me -- association meetings were held on a
10 monthly basis.

11 That I don't think you could
12 consider a public place because it was key
13 access only. The Relay Club is a public
14 building. So, I mean, I guess you could call
15 it a public place. But it was never done like
16 on public display, if that makes sense. It was
17 done privately between the people involved.

18 Q. So the incident begins with
19 McCarthy and Jensen and then at some point, I'm
20 just looking at the notes from the interview,
21 there was a struggle and then a subsequent
22 shooting that involved you and Sergeant Steve
23 Gordon, and that you both shot the suspect,
24 killing him; is that accurate?

1 A. That is accurate. There was
2 another officer involved in that, the
3 conclusion of that event, and that was Officer
4 Coburn --

5 Q. Okay.

6 A. -- whose weapon was discharged
7 first in that portion of the engagement as the
8 suspect tried to disarm Officer Coburn. His
9 own firearm went off in his holster as he
10 wrestled with the suspect and the suspect
11 gained access to his firearm.

12 Q. And then in that incident you
13 bent your own badge and then who else's badges
14 were bent?

15 A. Okay. So to be clear --

16 Q. Yeah.

17 A. -- I am not sure --

18 Q. Okay.

19 A. -- whether my badge had already
20 been bent by me or it was bent post that event,
21 because I had already bent my badge in
22 Concord -- or, yes, Concord, and as this thing
23 went through time, I carried the bend that
24 allegedly started in Concord, which did start

1 in Concord, throughout whatever badge I had
2 wherever I went as a police officer and
3 whatever rank I held. I think there is a
4 couple badges I never did it for. I was either
5 too lazy or I didn't think about it, but.

6 So I may have carried that over
7 from Concord is what I'm trying to say. I
8 don't know at what point mine was bent, but I
9 know that I bent Officer Jensen's as a result
10 of that event.

11 Q. So the distinction in between
12 McCarthy, his badge was not bent because he
13 fired his Taser instead of his firearm. Why
14 was the -- I guess like why didn't he get a
15 bent badge because he fired his Taser?

16 A. I am -- I'm not sure I heard you
17 correctly.

18 Q. Yeah, yeah. So McCarthy -- you
19 said that McCarthy never fired a weapon so he
20 didn't get his badge bent, I think he just
21 fired a Taser. So what's the difference in the
22 Taser versus the firearm?

23 A. Okay. Well, first of all, a
24 Taser is a less than lethal tool that we have

1 to subdue violent suspects. Its use is far
2 more common than lethal force, which is a
3 firearm.

4 It's not as if he didn't do his
5 job to the level where he would be recognized,
6 in fact, he did a phenomenal job because in any
7 engagement with an armed suspect to have what
8 they call force options is ideal so that there
9 is an opportunity to de-escalate prior to
10 engaging with lethal force, and the way I
11 recall it that's exactly what occurred, Officer
12 McCarthy fired his Taser first. The problem
13 was it had no effect, so the armed suspect
14 turned and engaged both officers with gunfire.

15 The difference in the bending of
16 the badge recognizes that due to the fact that
17 Tasers are less than lethal and far more
18 commonly used in violent engagements, they
19 don't carry the same significance weight,
20 Monday morning quarterbacking, negative press,
21 psychological trauma to both the suspect, his
22 family, the officer, his family, the agency,
23 and the public, that firing a firearm does in
24 the line of duty. They are not looked at the

1 same, if that makes sense.

2 Q. It does, yes.

3 Let's see, you say, you go on to
4 talk about there was a shooting that possibly
5 involved Sanjay Ramrakha and Jeremie Patzer in
6 2005, 6 or 7 where there was a -- the shooting
7 as occurring at the Relay Bar. Can you tell me
8 about your memory of that and, you know, what
9 officers had their badges bent, if any?

10 A. Yes. So there is a couple
11 things I need to clear up about that statement,
12 and I don't know -- I think when I reviewed
13 that statement, I don't -- I think there was a
14 misunderstanding, either I miscommunicated, it
15 was not the Relay Bar.

16 Q. Okay.

17 A. It was a different bar on
18 Tuolumne Street that I don't remember the name
19 of, and I don't even know if it exists anymore.

20 But that's the only incorrect
21 thing there, other than I believe now, in
22 retrospect, I don't believe Officer Ramrakha
23 even fired his weapon at that event. I think I
24 misstated the facts when I talked to Giordano,

1 because I wasn't even there. I was actually
2 out on an injury and received the information
3 via telephone from one of the parties that had
4 been there.

5 Q. And what party was that that
6 gave you the information about who was there?

7 A. I think it was Officer
8 Ramrakha -- then Officer Ramrakha; I don't know
9 what rank he holds now -- had notified me that
10 that event had occurred, because that was the
11 team that I had been assigned to, and had I not
12 been out on an injury I would have been with
13 them probably.

14 But the only one I'm certain of
15 that was the shooter, so to speak, in that
16 event is Officer Patzer. I think there was
17 another officer, but I don't think it was
18 Sanjay Ramrakha.

19 Q. Even though he called you to
20 tell you that he was a part of it?

21 A. Well, there were several
22 officers there. So when I say "a part of it,"
23 I don't mean he fired his weapon. I think
24 there was probably five or six officers from

1 that team there, and only I think two fired.

2 Q. So when you bent Ramrakha's
3 badge, did he say, "Oh, no, no, I wasn't
4 involved, I shouldn't have my badge bent"?

5 A. I don't think in that statement
6 I say I was certain I bent Sanjay Ramrakha's
7 badge. I said I think I may have.

8 And looking back now, I'm not
9 even sure that I did.

10 Q. It says that you do not remember
11 if Ramrakha and Jeremie were both present when
12 he bent their badges or if he did it
13 individually with them.

14 A. Right. But I don't know that
15 I'm accurate in saying that I bent Ramrakha's
16 badge.

17 So the way I have to explain
18 this to you is, when I'm being interviewed
19 about this stuff, I'm trying to give you the
20 best information I can and as much information
21 as I can.

22 Q. Absolutely.

23 A. But I'm also reaching across 20
24 years.

1 Q. Sure.

2 A. And I've been aware of numerous
3 officer-involved shootings at both agencies.
4 I've been present for a few. I'm not entirely
5 sure I get everything right because you're
6 talking about 20 years of me trying to remember
7 it 23, you know, years later, and you're
8 talking about multiple events.

9 And when I interview with
10 Giordano, I know he is trying to investigate
11 this thing, I'm trying to give him every bit of
12 information that I can, whether I may have or
13 did, I wanted him to have all the information
14 he could.

15 I think there were a couple of
16 times where I may have stated that I may have
17 bent an officer's badge where I could have been
18 incorrect, because I've been around so many
19 officer-involved shootings, either as a member
20 of the team that did it when I wasn't present,
21 a person that was present when I wasn't the,
22 quote-unquote, actor is what they call the
23 people involved in the actual shooting or
24 whether I just heard about it and it was an

1 agency thing, and I think there was one where I
2 may have bent an officer's badge that involved
3 a shooting that wasn't even in our agency.

4 So I guess what I'm trying to
5 say is I'm trying to give all of you all the
6 information --

7 Q. Oh, absolutely.

8 A. -- but I don't know that I would
9 recall it as specifically as an individual
10 officer that had one event occur regarding
11 bending their badge by me, I think that they
12 would remember that probably a little better
13 than I do trying to remember all the things.

14 Q. Sure. And to clarify, you know,
15 your interview is by far and away the most
16 comprehensive, right, so I know you were trying
17 to be as helpful and provide as much
18 information as you can. I appreciate you
19 showing up here today.

20 What I am, you know, trying to
21 ascertain is when you said that Sanjay Ramrakha
22 was involved in off-duty shooting, he certainly
23 was there, correct, in 2005, 6 or 7, right?

24 A. I believe he was there because I

1 received the call from him.

2 Q. Right. So he calls you and then
3 some years later you're interviewed in 2021 by
4 Giordano and the facts still are in your head
5 that Ramrakha was present and he was the one
6 that called you, and it's not just that you
7 vaguely know he was there, but you have a
8 distinct memory of him being there or him
9 telling you he was there and then at the time
10 you remembered bending his badge.

11 My question to you is, was it
12 suggested to you at any point that there were
13 inaccuracies in your statement and were you
14 asked to ever correct those?

15 A. I think I realized there may
16 have been some inaccuracies in my statement
17 when I was on the stand in Healy's courtroom,
18 the Honorable Judge Healy, I apologize, because
19 I had not heard about any of the other
20 statements involved in this investigation, I
21 had not discussed this event with any of the
22 other parties that I believed would be
23 interviewed. So when I was on the stand in
24 Judge Healy's office and I heard some different

1 perspectives on the history of this, I realized
2 I may have not remembered as clearly as I
3 thought I had in some instances or I may have
4 misinterpreted some things that I thought I saw
5 in this investigation. So that was the first
6 time.

7 Q. Okay. But were you ever
8 instructed that you had misinterpreted or were
9 you ever told by somebody that you had
10 misinterpreted these -- anything that was in
11 your statement?

12 A. No; the only thing that I saw
13 was really the press write-up of the open court
14 hearing regarding an officer-involved shooting
15 of a suspect whose name I cannot remember by an
16 Officer Matt Kamoda, and I believe there were
17 other officers involved too but I don't know
18 who they were.

19 Q. Well, I'll get back to your
20 statement briefly. I'm sorry; I am a little
21 long-winded. But, you know, in your statement
22 you mentioned a few individuals whose badges
23 that you talked about bending, and I want to
24 just read to you what they had said in response

1 to your statements and I want your opinion on
2 whether or not what they have said is valid and
3 then to let me know why.

4 So, let's see, let's start
5 with -- did you ever give a statement saying
6 that you may have bent Mark Galios's badge?

7 A. Yes, I did give that statement.

8 Q. Yep. And have you ever been
9 provided with Galios's statement before or a
10 summary of it?

11 A. No, I have not.

12 Q. Okay. So I want to let you know
13 what the summary says that you haven't been
14 able to see yet. "Galios provides some
15 information relevant to the investigation. He
16 has known Kent since 2014. Kent has always had
17 an alcohol problem. Kent freely admits he is a
18 heavy drinker and there was an incident in
19 Bend, Oregon, where he got into a fight with
20 several people at a bar, an indication of a
21 drinking issue. The last time Galios saw Kent
22 was May 29 or June 1, 2020, when they were
23 dealing with riots in Vallejo because of the
24 George Floyd killing. Kent was at the PG that

1 night wearing a Hawaiian T-shirt with a rifle
2 slung over his shoulder, sweating profusely,
3 talking about how he was going to shoot anybody
4 that came through the front door. Kent's
5 behavior was very odd and scared Galios and he
6 thought Kent might actually shoot someone if
7 they came through the front door. Galios did
8 not see the situation as dire as Kent did.
9 Shortly after that, Kent went off on leave and
10 eventually retired."

11 Is that an accurate statement by
12 Mark Galios?

13 A. I remember that event. I don't
14 remember that exchange at all.

15 Q. Right. I assumed.

16 Would you be I guess surprised
17 to find out that after you gave your statement
18 and there was an inconsistency between you
19 saying you bent Mark's badge and him saying you
20 didn't, that he was afforded the opportunity of
21 a second interview to correct that
22 misconception? Were you provided with that
23 same opportunity?

24 MS. KNIGHT: Objection, asked

1 and answered. Go ahead.

2 BY MS. LORENTSON:

3 Q. So you weren't, right?

4 A. No, I was not.

5 Q. No one gave you a chance to
6 correct it, okay, or to address it or to
7 address very serious allegations about your
8 character, right?

9 A. No.

10 Q. No, okay. In your initial
11 interview at least, and we can get through like
12 what you may have like -- you know, what might
13 have faded away or like what you might remember
14 differently now, but at least in your initial
15 interview with Giordano you said that Jarrett
16 Tonn was someone whose badge you had bent,
17 correct?

18 A. I believed I may have bent
19 Jarrett Tonn's, yes.

20 Q. Okay. So Jarrett Tonn, in his
21 first interview, said that you did not bend his
22 badge and then he was given an opportunity to
23 give a second interview, and in his second
24 interview he said: "Tonn said if Kent Tribble

1 told me" -- "told me," as in Giordano -- "that
2 he bent Tonn's badge, he was lying. No one has
3 ever bent his badge. Tonn never talked to Kent
4 about badge bending. He reiterated that he had
5 not heard of badge bending until 2019 or 2020
6 when the first rumblings came out about the
7 department. Tonn had no idea why Kent would
8 lie about this but did offer some information
9 that might be relevant. Tonn saw a mutual
10 friend of his and Kent's, ran into Kent in
11 Petaluma earlier this year. This friend is a
12 law enforcement officer at another agency.
13 This friend called Tonn because he was
14 concerned about Kent's mental health. Kent
15 was, quote-unquote, not all there and acting
16 paranoid. The friend's agency provided mental
17 health help to officers from other agencies and
18 he wanted to let Tonn know that they would help
19 Kent if needed. A co-worker of Kent and Tonn's
20 told Tonn a story of odd exchanges he had with
21 Kent. A co-worker said that they were having a
22 conversation with Kent when Kent said he needed
23 to call him back on a different line because
24 his phone may be being tapped. Kent also told

1 his co-worker that he was talking to him on a,
2 quote-unquote, burner phone. Tonn said a few
3 other people that both Kent and Tonn know ran
4 into Kent at a Las Vegas shot show and Kent was
5 talking about Chinese people following Delta
6 soldiers and Navy Seals trying to spread COVID.
7 This group also felt Kent was paranoid. Tonn
8 said it was common knowledge at the PD that
9 Kent had an alcohol problem."

10 If you had known about these
11 statements, would you have wanted an
12 opportunity to rebut them or give a second
13 interview as Jarrett Tonn had been given the
14 chance?

15 MS. KNIGHT: Objection,
16 incomplete hypothetical.

17 BY MS. LORENTSON:

18 Q. Okay. Were you ever told that
19 these allegations, very serious allegations
20 about your mental health and your character
21 were being recorded by Jarrett Tonn? Were you
22 ever notified about that?

23 A. No, I was not.

24 Q. And this statement came in a

1 second interview by Jarrett Tonn. So your
2 statement conflicted with Mr. Tonn's first
3 statement and then he was given the chance to
4 rebut it.

5 Does that surprise you that you
6 were not given that opportunity and he was?

7 A. No, it does not surprise me.

8 Q. Why?

9 A. Based on the previous statement
10 I made to you regarding the protections of
11 Lybarger and my separation from service and
12 then basically a compelled statement in an
13 interview without being employed by an agency.

14 Q. If this statement was taken
15 while you were still employed by Vallejo, would
16 you have wanted a chance to rebut that
17 statement with still the protections in place?

18 MS. KNIGHT: Objection,
19 incomplete hypothetical. You can
20 answer.

21 THE WITNESS: I don't know. I
22 would have had to confer with my
23 attorney, Harry Stern.

24 BY MS. LORENTSON:

1 Q. Were you aware that there were
2 findings of misconduct in relation to this
3 report?

4 A. No, I am not.

5 Q. As someone who has, you know,
6 spent their career as a law enforcement
7 officer, would you have wanted to know that
8 there were findings of misconduct against you
9 or against other persons in the report?

10 MS. KNIGHT: Objection,
11 relevance, incomplete hypothetical.

12 BY MS. LORENTSON:

13 Q. Okay. Would you have wanted to
14 know that there were allegations of misconduct
15 against you in this report?

16 A. I think it was fairly obvious
17 that there were allegations of misconduct of me
18 at the onset of the investigation because of
19 the notification of interview, they
20 specifically named the allegations you're being
21 investigated for. So that is no surprise to
22 me.

23 Q. Would you have wanted to know
24 the findings?

1 A. I would have, yes.

2 Q. And were you ever provided by,
3 you know, anybody the opportunity before today
4 to look at the findings to know what the report
5 had found?

6 A. I have never been offered that
7 opportunity.

8 Q. All right. David McLaughlin,
9 did you ever bend David McLaughlin's badge?

10 A. I remember bending David
11 McLaughlin's badge, yes.

12 Q. And you said that in your
13 statement, right?

14 A. Yes, ma'am.

15 Q. And David McLaughlin's badge was
16 bent somewhere after you were promoted to a
17 sergeant in 2013?

18 A. I believe so, yes.

19 Q. And David McLaughlin was
20 involved in a shooting?

21 A. Yes.

22 Q. And Matt Kamoda was also
23 involved in that same shooting, right?

24 A. Yes.

1 Q. And his badge was also bent?

2 A. Yes.

3 Q. Okay. So in the report -- as
4 you know, we were told before your interview
5 that they told you what types of allegations
6 might be raised against you, right?

7 A. I'm sorry; I may have --

8 Q. I'm sorry; that wasn't a good
9 question. Before you interviewed with Mr.
10 Giordano, you were told that there were certain
11 ethics violations that were part of the
12 investigation?

13 A. Yes. Again, back to the notice
14 of intent to interview, they list the things
15 they're investigating.

16 Q. So David McLaughlin was someone
17 who was under investigation for bending his
18 badge and he was exonerated of that finding.
19 However, I want to state -- well, actually, let
20 me tell you what they sustained in terms of
21 you, because they did not give you the similar
22 breaks that they gave your peers.

23 So for Kent Tribble, in terms
24 of, let's see, standards of conduct relating to

1 badge bending, that was sustained. It was
2 sustained in terms of a violation of any other
3 on or off duty conduct with any member who
4 knows or recently should have known is
5 unbecoming of an officer in the department, is
6 contrary to good order, efficiency, moral or
7 tends to reflect unfavorably on the department,
8 that was sustained. You were found to have --
9 it was sustained that you violated your
10 supervisor's responsibilities.

11 Those are the findings. So
12 three violations of the Law Enforcement Code of
13 Ethics and Standards of Conduct. At any point
14 were you informed of that?

15 A. No, I was not.

16 Q. So then I want to go through the
17 individuals who, you know, participated in the
18 interview and you recalled various people that
19 were involved in the badge bending who were
20 exonerated. David McLaughlin, he was found to
21 have been exonerated on having his badge bent
22 or of being somebody who knows of conduct that
23 is unbecoming of a member of the department.
24 Matt Kamoda, he was exonerated on the

1 unbecoming conduct and also on bending his
2 badge.

3 Just for the sake of
4 completeness, Jason Bahou, is that someone
5 whose badge you bent or knew who had his badge
6 bent?

7 A. I don't recall bending his badge
8 at all.

9 Q. Okay. What about Jeremy Huff?

10 A. I don't recall bending his
11 badge.

12 Q. Mark Galios?

13 A. I do recall bending Mark
14 Galios's badge.

15 Q. Mark Galios was exonerated on
16 those counts.

17 Jason Scott, do you remember
18 bending his badge?

19 A. No recollection of bending Jason
20 Scott's badge.

21 Q. Do you have any recollection of
22 Jason Scott ever having a bent badge?

23 A. I do not.

24 Q. Okay. Jarrett Tonn, do you have

1 a recollection of him having a bent badge or
2 you bending his badge?

3 A. I thought that I did, yes. I
4 don't know if that's correct, but I thought
5 that I did.

6 Q. But two years ago when you gave
7 this interview with Giordano, you thought you
8 did it two years ago, right?

9 A. I thought that I likely did. I
10 think in there I said "I may have," if I recall
11 correctly reviewing that transcript.

12 Q. Right. And Jarrett Tonn was
13 exonerated on those counts.

14 Todd Tribble was exonerated on
15 the failure to promptly or fully report
16 activities.

17 Terry Poyser, do you know who
18 that is?

19 A. Yes.

20 Q. And who is that?

21 A. Terry Poyser was an employee of
22 the Vallejo Police Department who served both
23 as an officer and as a detective, and retired
24 as a detective I believe.

1 Q. In what year did Terry retire,
2 do you know?

3 A. I don't, because I know that he
4 was out on a back injury for a while and then
5 retired, like myself, yeah, while out on
6 injury. But he retired prior to me, probably
7 2020.

8 Q. Right. So it's fair to say when
9 Poyser was interviewed, he was no longer an
10 active member of the Vallejo Police Department,
11 right?

12 A. I would --

13 Q. In 2021, if he was interviewed
14 in 2021, he was retired when he was
15 interviewed, right?

16 A. Oh, I would believe so, yes.

17 Q. Okay. The finding against him
18 for having a bent badge was sustained, but --
19 let's see, you said that you were -- similarly
20 to Poyser, when you gave your interview and the
21 findings against you were sustained, you were
22 all but retired, right, you had like a couple
23 days left?

24 A. I was interviewed one day prior

1 to my last day on the books with the Vallejo
2 Police Department.

3 MS. KNIGHT: Hey, Amanda, can I
4 take a break? It's been a little over
5 an hour.

6 MS. LORENTSON: I have 10 more
7 minutes before we take a break. I just
8 want to get through this section, and
9 then we can.

10 BY MS. LORENTSON:

11 Q. Lee Horton, do you know what
12 year Lee Horton separated from the Vallejo
13 Police Department?

14 A. I'm sorry; I've got one bad ear,
15 so.

16 Q. That's okay.

17 MS. KNIGHT: Can you make it
18 another 10 minutes?

19 THE WITNESS: I can use a
20 restroom break, yeah, I can make it 10
21 minutes I think.

22 I'm sorry, ma'am.

23 BY MS. LORENTSON:

24 Q. No, that's okay.

1 Let's see, Lee Horton, do you
2 know if he was employed by the Vallejo Police
3 Department when he was interviewed in 2021?

4 A. No; that would be speculation on
5 my part. I know he was out on an injury for
6 quite some time, and I don't know when he
7 retired.

8 MS. LORENTSON: Katelyn, what
9 year did Mr. Horton separate from
10 Vallejo PD?

11 MS. KNIGHT: That's a good
12 question. I think it was sometime in
13 2021, but he certainly would have been
14 out from mid-2020 forward.

15 MS. LORENTSON: Let me just
16 confirm.

17 MS. KNIGHT: I don't think the
18 witness is going to have that answer
19 though.

20 MS. LORENTSON: That's okay.
21 I'm just trying to figure out if Lee
22 Horton was another person who
23 allegations were sustained against
24 while he was either retired or out, but

1 I can figure that out on my own.

2 BY MS. LORENTSON:

3 Q. Ryan McMahon, did you bend his
4 badge?

5 A. No, I did not.

6 Q. Do you know if his badge was
7 bent by anybody?

8 A. Not directly, no.

9 Q. Had you ever heard a rumor about
10 that or anything?

11 A. I had heard a rumor about him
12 mentioning badge bending.

13 Q. And what was the rumor that you
14 heard about his mentioning badge bending?

15 A. I had heard that he at some
16 point after an officer-involved shooting in I
17 think that's the McCoy one, in Taco -- it was a
18 shooting at Taco Bell with several officers,
19 and I heard post that event at some gathering
20 he had mentioned badge bending.

21 Q. And were you there when he had
22 mentioned badge bending or no?

23 A. No.

24 Q. Okay. So it looks like -- well,

1 it looks like Ryan McMahon was out on leave at
2 the time.

3 MS. LORENTSON: Is that
4 accurate, Katelyn, or had he separated
5 in 2021?

6 MS. KNIGHT: I do not recall off
7 the top of my head.

8 MS. LORENTSON: Okay.

9 BY MS. LORENTSON:

10 Q. But the findings against him, I
11 believe he was on leave or had separated, were
12 sustained and then again of course all three
13 findings against you were sustained.

14 And, you know, I'm trying to,
15 one, assess what happened, then also the
16 accuracy, you know, and the fairness of this
17 report, and so that's kind of why I'm trying to
18 ask some of my questions, but we have like
19 seven more minutes, okay.

20 Tell me your recollection about
21 Jarrett Tonn having his badge bent, if it was
22 bent.

23 A. Well, so, again, I have to -- I
24 went over my interview with Giordano --

1 Q. Yeah.

2 A. -- my testimony in Healy's
3 courtroom, and subsequent interviews with Buena
4 I think --

5 MS. KNIGHT: Buena.

6 THE WITNESS: -- another
7 attorney like yourself, regarding the
8 Taco Bell shooting and badge bending.

9 As I looked through those, I
10 know that when I interviewed with
11 Giordano, I tried to give him
12 everything I possibly could, anybody I
13 may have bent the badge for, not
14 knowing -- just tried to give him
15 everything he could run down, because I
16 know what his job was. Right?

17 BY MS. LORENTSON:

18 Q. Yeah.

19 A. And, honestly, had I chose not
20 to help him with his job, I could have just not
21 interviewed.

22 Q. Absolutely, yep.

23 A. So I tried to give him
24 everything I had or could have had.

1 And up until that time I
2 believed I was responsible for any badge that
3 was bent, and I'm definitely responsible for
4 the bending of a badge as it relates to an
5 officer-involved shooting. As far as I know, I
6 don't know of anywhere else that that has
7 occurred other than from what Golinveaux and I
8 came up with back in 2000.

9 So as I'm reading all these
10 different interviews, I noticed with Giordano,
11 I talked about a shooting that Tonn had been
12 involved in where I was actually present, at
13 North Vallejo by a Motel 6, where an armed
14 suspect -- or I don't know if he was armed at
15 the time, but he fled from us in the hotel, I
16 couldn't keep up, Tonn and Jones caught up to
17 him in a parking lot, at a car dealership I
18 think, and he tried to run one of them over and
19 they engaged him with gunfire.

20 When I spoke with Giordano, I
21 was thinking that I perhaps bent their badges
22 as a result of that. I didn't even remember
23 that later when I interviewed with Buena
24 sometime after the Healy trial, that it might

1 have been as a result of the officer-involved
2 shooting where they saw a suspect known to them
3 driving a stolen car and when they went to take
4 him off in a car stop, he ran his vehicle
5 backward into their vehicle, causing injury to
6 them and precipitating a response of gunfire.

7 Looking back, I'm not sure that
8 it was the one or the other or that it
9 happened. I just thought that I may have done
10 that because I know those guys worked for me.

11 Q. Did Jarrett Tonn have a bent
12 badge during your time working at the Vallejo
13 Police Department regardless of if you bent it
14 or somebody else bent it, to the best of your
15 recollection?

16 A. I thought I had bent his badge,
17 but I never saw him wear a bent badge.

18 Q. But you have a recollection, a
19 memory, and I honestly don't care what shooting
20 it was or what incident, but you have a memory
21 of bending his badge?

22 A. I thought he may have been one
23 of the people that I had bent badges for.

24 Q. Do you have a recollection of

1 where you would have bent his badge or where
2 you did bend his badge?

3 A. It would have most likely been
4 at the Relay Club, which was the bar across the
5 street.

6 Q. Yeah, you know, I'm just trying
7 to -- I'm just trying to figure out here,
8 because, you know, you're very -- you know,
9 you've given very helpful, a lot of information
10 in this interview, and I just am trying to
11 understand why some persons were -- well, how
12 about, do you have an understanding as to why
13 some people, even people who had already or
14 were on leave or were towards the end of their
15 time at Vallejo, why certain people were given
16 an opportunity to do a second interview to
17 clear up inconsistencies and you weren't?

18 A. That would be speculation on my
19 part, but if she will allow me to give what I
20 believe is the reason --

21 Q. Sure.

22 A. -- I am more than happy to
23 restate.

24 MS. KNIGHT: Only if it's based

1 on some facts. So, you know, feel free
2 to tell her, you know, if someone said
3 something to you that gives you an
4 impression, if you have information
5 that gives you an impression.

6 THE WITNESS: The only thing I
7 know is that I remember my attorney,
8 Harry Stern, specifically talking about
9 the criminal exposure of giving a
10 statement, a compelled statement post
11 separation from service not protected
12 by Lybarger. That's -- that's the only
13 facts that I have, and I don't know if
14 I'm even supposed to say that because
15 of attorney-client, but that's --
16 that's the basis of anything I think
17 why nobody contacted me after I
18 separated.

19 BY MS. LORENTSON:

20 Q. Who else would be able to verify
21 that Jarrett Tonn's badge was bent?

22 A. I thought Gary Jones and he were
23 present, because even in both of those, they
24 were both there.

1 Q. Is there anybody else that I can
2 use to verify that his badge was bent?

3 A. I don't believe so.

4 Q. Do you know if there were ever
5 any photographs taken when you bent, if you
6 bent Jarrett Tonn's badge?

7 A. I don't recall that.

8 Q. Was it commonplace to take
9 photos to commemorate bending a badge at any
10 point at Vallejo?

11 A. Not that I recall.

12 Q. Do you know anyone who took a
13 photo, regardless if it was commonplace or not,
14 of their badge being bent or that, you know,
15 ceremony or just the gathering of people?

16 A. No, I do not.

17 MS. LORENTSON: All right. I
18 think we're about at that 10 minutes,
19 so what about we get back in 10? Is
20 that enough, Katelyn?

21 MS. KNIGHT: Yeah, 10 should be
22 enough.

23 MS. LORENTSON: Okay. Cool.

24 - - -

1 (Whereupon there was a recess in
2 the proceeding.)

3 - - -

4 BY MS. LORENTSON:

5 Q. Mr. Tribble, I'm just trying to
6 just look through this report, and it's pretty
7 long, and maybe Ms. Knight could help me
8 because she has probably a lot more knowledge
9 of it than I do, but do you know if Jeremie
10 Patzer was ever subjected to or had an
11 interview conducted in this matter in the
12 Giordano report? Because I can't seem to find
13 one. Where am I missing it?

14 A. Are you asking me --

15 Q. I'm asking Katelyn.

16 MS. KNIGHT: I don't think so.
17 He was long gone by the time Giordano
18 was doing the investigation.

19 MS. LORENTSON: Okay.

20 BY MS. LORENTSON:

21 Q. So the two people you -- I want
22 to go back to that shooting that occurred in
23 2005, 6 or 7 with Ramrakha and Patzer, at least
24 according to your statement to Giordano.

1 So Sanjay Ramrakha had an
2 interview taken and he denied ever having his
3 badge bent or, you know, any knowledge
4 generally of people having their badges bent,
5 and then Jeremie Patzer, as you just heard, his
6 interview was never conducted.

7 The Critical Incident Log lists
8 Brent Pucci and Jeremie Patzer as being the two
9 individuals who were involved in a shooting
10 December 10, 2005, involving someone named Eric
11 Adams, a nonfatal shooting. Is that about like
12 the time that you remember that phone call and
13 hearing about that incident at the time
14 involving Sanjay Ramrakha?

15 A. If I understand your question
16 correctly, that sounds like it could be right.

17 Q. Right. I'm just trying to
18 establish the general timeline.

19 Okay. If --

20 A. Do you remember the actual year
21 that that happened?

22 Q. Yes, December 10, 2005.

23 A. Okay.

24 Q. And that lines up with it being

1 around that time of the year in your memory?

2 A. Yeah, and my -- and my injury,
3 because I was out for quite a while.

4 Q. If Ramrakha was involved in this
5 incident -- well, let me go back, as part of
6 your job at Vallejo, did you ever have the
7 responsibility of reviewing or helping create
8 Critical Incident Logs?

9 A. Okay. I'm going to try to
10 answer that. I've never heard the term
11 "Critical Incident Log." I have heard "Watch
12 Commander's Log," which as a lieutenant or a
13 sergeant acting as a watch commander I had to
14 produce daily, which noted significant events
15 in patrol or even in detectives that occurred
16 that day. That's a Watch Commander's Log.

17 Critical Incident Review Boards
18 are what I'm thinking maybe you're referring
19 to. I don't know if I'm correct.

20 Q. No. So if a Critical Incident
21 Log was created, that's a term of art that's
22 not used internally, it was like some sort of
23 external product or list that was made. I'm
24 just trying to determine if that's something

1 that you knew -- if you knew of when you were
2 working there, if it's something that was not a
3 commonly kept thing by the officers themselves;
4 that's all.

5 A. That's news to me. This is the
6 first time I've ever heard of that.

7 Q. Okay. It appears that Mr.
8 Giordano fact checked your statement about
9 Sanjay Ramrakha being involved in the shooting
10 by looking at a Critical Incident Review Log
11 provided by the City of Vallejo that lists not
12 really much information, just the officers and
13 the date and ID number, kind of like the person
14 who was involved named "Adam, Eric, nonfatal
15 shooting."

16 Is there a -- well, you had
17 familiarity with sitting on a Critical Incident
18 Review Board, right?

19 A. That's correct.

20 Q. Would there ever be persons that
21 you investigated an incident and you determined
22 that there were more people than had initially
23 been reported that should be included in that
24 Critical Incident Review?

1 So were the reports ever
2 incomplete or was someone's name left off a
3 report, either intentionally or
4 unintentionally?

5 A. Well, two things about that
6 question, one, a Critical Incident Review is
7 not the investigation of the shooting. The
8 investigation of the shooting takes place by
9 two different entities, one is -- and sometimes
10 more than that. I think all the shootings post
11 2000 in both this county and Contra Costa have
12 been reinvestigated by the DOJ, but I could be
13 wrong.

14 But the initial two agencies
15 that investigate officer-involved shootings
16 are, one, the DA's office and, two, the Police
17 Department, and within the Police Department
18 there is two different investigations, there is
19 the criminal side, which investigates all the
20 conduct, officers and suspect, and then the
21 Internal Affairs investigation about the use of
22 force.

23 So I guess in a sense there is
24 three, because you've got the DA's and the

1 Police Department's criminal side, and then
2 you've got the Department's Internal Affairs
3 Division that starts their investigation from
4 the moment the event occurs.

5 Critical Incident Review Boards
6 are conducted far after those investigations
7 are initiated and I believe even after they're
8 concluded in most cases, and they're done as a
9 way for the department to examine what
10 happened, how the events can be learned from
11 and improved upon internally, whether it's we
12 need to modify training or procedures or if
13 there were -- there is a -- basically four
14 categories, I think one was procedural, meaning
15 we needed to adjust our procedures, two was
16 training I think was one of them, three was
17 it's either approved or disapproved, like we
18 don't like the way this thing happened, and I
19 don't remember what the other one was, but it
20 was more of an internal reflection of the
21 department and what we can learn from the event
22 and how we can improve.

23 And oftentimes when the
24 shootings were considered justified by those

1 other investigative bodies, we would still find
2 problems with either our training or equipment
3 and try to make improvements in that regard.

4 So that's kind of what that
5 Critical Incident Review Board is about. It's
6 not an investigation per se of the actual event
7 in terms of criminal conduct or, you know, at a
8 surface level some procedure stuff, but
9 anything that had to do with conduct
10 violations, that's tackled by professional
11 standards, which is what IA is called now, so.

12 Does -- that's what those are.

13 Q. That makes sense.

14 I didn't get a chance to ask you
15 this, but, you know, I read to you the summary
16 of Jarrett Tonn's second interview. Is there
17 any accuracy to the allegation by Jarrett Tonn
18 that you had communicated to co-workers or to
19 friends that you thought your phone was being
20 tapped?

21 A. I don't recall that. I know
22 that when I learned of -- let's see, at some
23 point they talked about bringing the Department
24 of Justice in to reinvestigate everything.

1 There had been -- I think probably post that
2 decision and the mention of the badge bending
3 in the press, I didn't want to talk to anybody
4 about any of this basically because of this
5 situation we're in now, where I knew down the
6 road everybody involved is going to be asked
7 who they talked to, what did they say, this,
8 that and the other, and knowing that they were
9 going to reinvestigate all of the shootings
10 from -- at that time I wasn't sure -- I don't
11 think I was aware they were going to go back to
12 2000 in Contra Costa, but I believe that based
13 on the history, that I was going to be the
14 subject of a lot of these investigations. So I
15 was very careful about what I said to anybody.

16 Q. Did anyone ever communicate to
17 you in 2000, 2001 that they were concerned
18 about your mental health?

19 A. 2001?

20 Q. Yeah.

21 A. No.

22 Q. Okay. Excuse me; 2021. I'm
23 sorry; 2020 or 2021. That's when Tonn says
24 that people were concerned about your mental

1 health and that you were acting paranoid and
2 not all there.

3 A. That's news to me, but it -- so
4 even the phone tapping thing --

5 Q. Yeah.

6 A. -- there is a lot of joking that
7 goes around in the Police Department, I mean,
8 especially since body worn cameras --

9 Q. Sure.

10 A. -- and, you know, the phone
11 lines in most of the department are recorded,
12 everything that occurs in the jail cells are
13 recorded, those mics pick up stuff that happens
14 out in the hallway, so there is a lot of jokes
15 made about surveillance.

16 Q. That aside though, if any jokes
17 or comments were made about tapping or using
18 burner phones, your phone being tapped, if Tonn
19 used that in his interview to put the
20 perception out there that you had mental health
21 issues, that would be taking the statements
22 completely out of context?

23 A. I believe so.

24 Q. Okay. The other statement that

1 Kent said is that both -- that mutual friends
2 ran into you in Las Vegas and that you were
3 talking about Chinese people following Delta
4 soldiers -- I don't even know what a Delta
5 soldier is -- and Navy Seals trying to spread
6 COVID. Is that true?

7 A. I don't know who the mutual
8 friends are; that's pretty vague. I don't
9 recall seeing anybody that knew anybody down
10 in -- I don't even recall seeing any Vallejo
11 police employees other than my former partner,
12 Kevin McCarthy, down there.

13 Q. So if Tonn represented that you
14 were talking and spreading rumors about Chinese
15 people following soldiers, that would be
16 inaccurate?

17 A. No; I may have said that
18 because, I mean, that's when COVID broke out
19 and there were, when I was down there, quite a
20 few Chinese people and I did have a -- there --
21 a Delta soldier is a Special Forces operator, I
22 happen to know a lot of them.

23 Q. Yeah.

24 A. One of them actually did mention

1 the fact that while he was talking to a
2 colleague, he noticed an out-of-place elderly
3 Chinese woman backing up to them in a
4 suspicious fashion with a notepad, and he had
5 mentioned that to me and I took him at his word
6 because, I mean, that's been his profession for
7 20 years, I would expect that he knows what he
8 is seeing.

9 Q. All right. So we are one and
10 one for Mr. Tonn.

11 What about Tonn saying it was
12 common knowledge at the PD that Kent had an
13 alcohol problem?

14 MS. KNIGHT: Objection,
15 speculation. You can answer.

16 THE WITNESS: Yeah, I don't -- I
17 don't believe that that's the case. I
18 mean, I was a known, quote-unquote,
19 drinker, but I never came to work
20 drunk, I never -- I don't think I
21 imbibed more than a lot of people, to
22 be honest with you.

23 BY MS. LORENTSON:

24 Q. And so when Mark Galios -- is he

1 friends or close to Jarrett Tonn at all or was
2 he, as far as you know?

3 A. I don't know their relationship.

4 Q. Let's see, okay, so I've read a
5 lot of reports about Ryan McMahon having one or
6 possibly two inscriptions or markings or
7 decorations on his gun. Can you tell me about
8 that, what your knowledge is?

9 A. Yes, I only know of one event
10 where anything like that was discovered.

11 Q. Did you discover it?

12 A. Yes.

13 Q. Okay. And you asked him to or
14 instructed him to get rid of it, right?

15 A. Via his lieutenant, which was my
16 peer that was in charge of his working group,
17 yes. Actually, I had removed it prior and I
18 didn't ask, I did remove his thing and then had
19 another armorer put a stock endplate on his
20 Glock pistol that was personally owned.

21 Q. Can you tell me about that, like
22 you seeing it and the actions you subsequently
23 took?

24 A. Sure. What part of it would you

1 like to know?

2 Q. So how you saw it, what it was,
3 and then what actions you took after seeing it.

4 A. Okay. We'll start at the
5 beginning, I think -- I think in response to
6 the officer-involved shooting at the Taco Bell
7 where McMahon was one of the actors, which is
8 the people involved in the shooting, those guns
9 that are used in those types of events get
10 booked into evidence and then they get sent
11 to -- I'm not sure which crime lab, but it's a
12 different county, I think it might have been
13 Alameda, San Mateo County, but, regardless,
14 they get sent off to the lab and they get
15 inspected at the lab for function, I think.
16 This is conjecture. I know they get examined
17 at the lab and then they get returned to the
18 Police Department.

19 Prior to reissuing those weapons
20 to the officers, as one of the command staff
21 that's on the Armory Committee, I wanted to
22 inspect the weapons to make sure they were
23 passing function tests before I reissued them,
24 because I don't know to what level they get

1 disassembled by the labs.

2 We actually found one that was
3 not reassembled correctly; I can't remember
4 whose it was. So that's why I did that.

5 And while I was doing that, I
6 noticed an endplate on Officer McMahon's
7 personally-owned duty pistol, not the one that
8 he is issued but one he owns himself.

9 Q. Can I pause you for a second?
10 That's something I've been curious about. What
11 is the difference between a personally-owned
12 duty pistol and an issued one?

13 A. Well, the first and biggest
14 difference is the officer has to pay for the
15 personally-owned weapon. The department does
16 not.

17 The department issues everybody
18 the same weapon, which is nowadays I think a
19 Glock 17 9 mm. When I first started, it was a
20 Sig Sauer P229, a 40 caliber.

21 And so the department fills its
22 requirement to arm their officers by issuing a
23 standard pistol to everybody.

24 At some point in my career,

1 probably late 2000s, the decision was made
2 above me but with some of my input that not all
3 officers can operate the pistol the same based
4 on their physical makeup, whether their hands
5 are large or small or they're short or tall
6 or -- it's like shoes, not everybody has the
7 same fit with one size, right? So we opened it
8 up to what we called alternate duty weapons,
9 which had to be of a certain number of approved
10 brands and a certain offering of approved
11 calipers, and they were allowed to be used if
12 the officer qualified with their personally-
13 owned weapon and that weapon was approved by
14 the range staff. And so that change in the
15 department occurred while I was there.

16 So the personally-owned duty
17 weapons are those alternate weapons that
18 officers purchased on their own to perform
19 their duties at a higher level or a more
20 competent or reliable level for that officer
21 individually.

22 Q. Okay. Understood. So it was
23 his personally-owned but he could use it in the
24 line of duty weapon that had the -- or firearm,

1 excuse me, that had the engraving in it?

2 A. Yeah, it was not engraving
3 though, it was --

4 Q. Oh.

5 A. Well, unless I don't understand
6 the technology correctly for the image, but
7 it's more like a drawing on a piece of plastic,
8 some kind of imprint logo. It didn't seem to
9 be engraved.

10 Q. So tell me about you seeing it
11 and what your impressions were when you were,
12 you know, examining his firearm.

13 A. So I looked at his weapon
14 overall primarily for function. I didn't tear
15 it all the way down to see what each part
16 looked like, but I was doing what they call
17 function testing, and because this part is on
18 the exterior of the weapon at the rear, I
19 noticed that the endplate was not a,
20 quote-unquote, stock Glock endplate, which
21 means the way the Glock would come off the
22 shelf of, you know, the Glock factory. It was
23 an aftermarket endplate that is exactly the
24 same functionally but it actually had an

1 imprint on the rear of it, and the imprint was
2 I believe what you call a Celtic Cross and I
3 believe that it had Latin words on it.

4 Q. And you recognized that symbol,
5 right? What did you recognize it being
6 associated with?

7 A. Well, number one, I mean, it's a
8 Christian -- I believe a Catholic symbol, Irish
9 Catholic symbol. I could be wrong. I'm not a
10 theologian. But more than that, I have seen
11 that same cross and Latin words, and I can't
12 remember, I think it was like Veritas and
13 Aequitas or something like that, I had seen
14 them with that cross largely in a movie called
15 The Boondock Saints on posters. In New Orleans
16 there is a whole bar that has that, that has
17 T-shirts and all that stuff. So when I saw
18 that, that's what I associated it with.

19 Q. And when you were interviewed,
20 you talked about that being a vigilante justice
21 movie.

22 A. That's my interpretation of what
23 the movie The Boondock Saints was about, was
24 this -- basically the story line was two

1 brothers that basically went around taking care
2 of the violent thugs in town. So that's what I
3 associated it with, vigilantism.

4 Q. And then what did you do after
5 you saw it?

6 A. I removed it, and then I had an
7 armorer, I think at that time Corporal
8 Greenberg, that worked with and for me, go find
9 a -- we have spare Glock parts because by that
10 time we had gone to Glock weapons, and he found
11 a spare Glock endplate that was a stock Glock
12 endplate without an imprint on it, put it on
13 the weapon, and then I typed up an email with a
14 photograph of either the whole gun or the
15 endplate, I think it might have been just the
16 endplate, and sent that email to Officer
17 McMahon's lieutenant, which I believe was Fabio
18 Rodriguez, and my captain, because he was
19 supervisor to both Fabio and I, that I
20 discovered this endplate on the Glock
21 personally owned by McMahon upon their return
22 from the crime lab and that as a range officer
23 and range -- I don't think I was range master
24 at the time yet, but as one of the higher

1 ranking range officers I did not approve of
2 that piece of equipment being on a weapon
3 carried for duty by our department members.

4 So that email was sent to Fabio
5 and Joe Iacono, and then subsequently we had a
6 meeting where I explained that to Officer
7 McMahon with his lieutenant, Fabio Rodriguez.

8 Q. Do you think that the department
9 took this as seriously as you did or as you had
10 wanted them to?

11 A. I -- I didn't know that it
12 was -- this is the way I looked at that, that
13 gun had already been used in an
14 officer-involved shooting. Much like this
15 badge bending stuff, I'm not saying that that
16 symbol represents Officer McMahon's character
17 as a vigilante at all. In fact, I think that
18 would be an erroneous statement. However, I am
19 aware that public conceptions and allegations
20 of misconduct and misunderstandings and
21 suspicion can be raised by anything like that,
22 just like the badge bending. So I did not
23 think it would be appropriate to be on a weapon
24 that's used on the streets by the City of

1 Vallejo police officers.

2 Q. There was some mention by a
3 corporal in Vallejo that Ryan McMahon had a
4 modified trigger on his rifle. What does that
5 mean?

6 A. Okay. That's -- that's a
7 separate event.

8 Q. Yeah.

9 A. But it's to the same level.

10 And I want to be very clear
11 about this, these are both in my mind minor
12 policy violations, because we had a policy, and
13 I want to take ownership as one of the leaders
14 of the range staff of this, this errant act,
15 because I think that in some ways we failed as
16 range instructors and a department to when we
17 transitioned to this personally-owned weapon
18 thing, we put in the policy you're not allowed
19 to modify either your personally-owned weapon
20 or -- or department issued weapon in any way
21 without range master approval.

22 But I am guilty of having done
23 that in my younger years, and it was not
24 something -- something like changing out the

1 sights or, you know, in some cases a trigger
2 modification. So I'm guilty of having done the
3 same thing. And as I got further in my career,
4 I started seeing the significance of that and
5 we didn't -- I don't think we effectively
6 inspected the weapons well enough upon yearly
7 range training, the personally-owned ones,
8 because if we did inspect the weapons closely
9 enough, that wouldn't probably have ever made
10 it to the street.

11 But I do believe that, and this
12 is conjecture on my part, when officers
13 qualify, there are range masters there and they
14 see their weapons, so I believe that some of
15 the officers believe if their weapons are seen,
16 they're approved of.

17 So I looked at it more as a way
18 to, we needed to shore up what we were doing as
19 a range staff and it needed to stop if it were
20 continuing on the street. That's the way I
21 looked at it. I didn't think it was some kind
22 of big policy problem or officer conduct
23 problem.

24 When the second event occurred

1 with the trigger, again --

2 Q. Can you tell me what it means
3 though? How is that -- I don't have any
4 experience with guns. How do you modify a
5 trigger?

6 A. Well, it's very easy. I mean,
7 so to help you understand my -- my take on all
8 this, I'm not trying to say I'm special, but
9 one of the things that I was trained highly in
10 was weapons use of force, firearms instruction
11 and armoring, and armoring is maintenance of
12 department and/or personally-owned weapons, and
13 I'm a certified armorer for Glock pistols, Colt
14 pistols, and all variants of the M4 carving,
15 which is standard league issued to officers as
16 rifles.

17 We have to maintain a staff like
18 that in order to keep the weapons up to proper
19 specifications for duty use. And oftentimes
20 weapons have mechanical problems occur through
21 their use and their longevity that we have to
22 replace parts for or completely replace the
23 weapon. That's why you have guys like me in
24 that facility -- in that discipline.